

**MEMO ENDORSED**

**SOLOMON ROSENGARTEN**  
Attorney-at-Law  
1704 Avenue M  
Brooklyn, New York 11230  
(718) 627-4460  
FAX (718) 627-4456

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 4-22-08
--

Admitted to Practice:  
New York  
New Jersey

April 22, 2008

Honorable P. Kevin Castel  
United States District Judge  
500 Pearl Street  
New York, New York 10007

Re: **Cohen v. Horowitz, et al.**  
**Docket No. 07 Civ 5834 (PKC)**

Dear Judge Castel:

I am the attorney for the plaintiff in the above-entitled matter. On February 18, 2008, I served upon defendant's attorney a Request for Production of Documents. The documents were not provided within the requisite period, defendant did not object to any of the requests, nor did defendant's attorney seek an extension of time to provide the documents.

On April 4, 2008, at a conference before the Court, Your Honor ordered the defendant to serve the requested documents so that I will have it in hand no later than April 18, 2008, at 5:00 P.M. As of today's date, the documents have not been served upon me. Nor have I heard from defendant's counsel. At the conference, the Court asked me to notify Your Honor if I did not receive the documents on time.

In light of defendant's blatant and willful disregard of his discovery obligations and the Court's order, I respectfully submit that the Court impose sanctions upon the defendant, including striking his Answer. I hereby request a conference pursuant to Local Rule 37.2 to discuss this matter.


Respectfully yours,

  
Solomon Rosengarten

SR:oc

cc: Smith, Buss & Jacobs (VIA FACSIMILE 914-476-0614)

*to Chambers*

*I direct defendant's  
counsel to fax a  
response by 5 PM April  
23, 2008 for explaining its  
failure to comply - SO ORDERED  
 WDS  
4-21-08*